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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,851	03/15/2001	David P. Veilleux	10261US01	5248

7590 05/10/2002

Attention: William D. Bauer
Imation Corp.
Legal Affairs
P.O. Box 64898
St. Paul, MN 55164-0898

EXAMINER

VIG, NARESH

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 05/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/808,851		VEILLEUX ET AL.	
	Examiner		Art Unit	
	Naresh Vig		3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 50 are rejected under 35 USC 103(a) as being unpatentable over Hess et al. US Patent 6,058,417 in view of Holub US Patent 6,157,735 and in further view of online retailer EddieBauer (www.eddiebauer.com) hereinafter known as EddieBauer.

Regarding claims 1, 16 and 36, Hess et al. discloses a method and apparatus for information presentation and management in an online trading environment where person-to-person commerce over the Internet is facilitated by providing prospective buyers the ability to quickly preview items for sale. Images are harvested from a plurality of sites based upon user-supplied information. The user-supplied information includes descriptions of items for sale and locations from which images that are to be associated

with the items can be retrieved. Thumbnail images are created corresponding to the harvested images and are aggregated onto a web page for presentation at a remote site.

Hess et al. does not disclose modifying images for display devices associated with the source clients. Holub discloses a system (method and apparatus) for distributing and controlling color reproduction of input color image data representing one or more pages or page constituents in a network having nodes (or sites). The system distributes the input color image data from one of the nodes to other nodes, and provides a data structure (virtual proof) in the network. Next, the system has means for providing color calibration data at each node characterizing output colors (colorants) of the rendering device of the node, and means for producing at each node, responsive to the color calibration data of the rendering device of the node, information for transforming the input color image data into output color image data at the rendering device of the node. The rendering device of each node renders a color reproduction of the page constituents responsive to the output color image data, wherein colors displayed in the reproduction at the rendering device of each node appear substantially the same within the output colors attainable by the rendering devices. It is obvious at the time of applicant's invention to a person with ordinary skill in the art to modify Hess et. Al as taught by Holub by modifying images for display devices associated with the source clients images to present the images for remote users as close as possible to the original and minimize customer complaints.

Regarding claims 2 – 4, 17 – 19 and 37 – 39, Hess et al. discloses a method and apparatus for information presentation and management in an online trading environment in which person-to-person commerce over the Internet is facilitated by providing prospective buyers the ability to quickly preview items for sale. Images are harvested from a plurality of sites based upon user-supplied information. The user-supplied information includes descriptions of items for sale and locations from which images that are to be associated with the items can be retrieved. Thumbnail images are created corresponding to the harvested images and are aggregated onto a web page for presentation at a remote site. A user may preview items for sale. Thumbnail images corresponding to items that satisfy the user query are displayed, each of the thumbnail images previously having been created based upon a user-specified image.

Also Hess et al. discloses that an online commerce site may comprise a listing server, a thumb server, and a thumb building machine. In the Web environment, Web browsers reside on clients and render Web documents (pages) served by the Web servers. The client-server model is used to communicate information between clients and servers. Web servers are coupled to the Internet and respond to document requests and/or other queries from Web clients.

Hess et al. does not teach modifying images based upon responses of display devices associated with the destination clients. Holub teaches a system having a rendering device for producing color reproduction and color measuring instrument (CMI) for measuring the color output of the rendering device. It would have been obvious at

the time of applicant's invention to a person with ordinary skill in the art to modify Hess et. Al as taught by Holub by using CMI for modifying images for client's display devices to to present the images for remote users as close as possible to the original and minimize customer complaints.

Regarding claims 5, 20 and 40, Hess et al. discloses a person-to-person commerce over the Internet by providing prospective buyers the ability to quickly preview items for sale in an online trading environment, such as an online shopping site, an online auctioning site, an online e-commerce site, an online person-to-person trading site, or the like. Images are harvested from a plurality of sites based upon user-supplied information. The user-supplied information includes descriptions of items for sale and locations from which images that are to be associated with the items can be retrieved. Thumbnail images are created corresponding to the harvested images and are aggregated onto a web page for presentation at a remote site. To sell an item on an online commerce site, the seller first registers the item to be sold, and supplies information about the item so that the information may be presented to prospective purchasers responsive to their requests and/or queries.

Neither Hess et al. not Holub disclose the source clients include auction sellers, the images represent auction items, and the destination clients include auction buyers. However, it is inherent that on an online auction site source clients include auction

sellers, the images represent auction items, and the destination clients include auction buyers.

Regarding claims 6, 20, 41, Hess et al. discloses that images are based upon user-supplied information. The user-supplied information includes descriptions of items for sale and locations from which images that are to be associated with the items can be retrieved. Hess et al. does not disclose source clients (sellers) to include photographers. However, neither Hess et al. nor Holub disclose who can use the system. Therefore, it is inherent that the sellers can be of various professions (for example, a doctor, an engineer, cashier, photographer, an artist etc.)

Also, neither Hess et al. nor Holub disclose that images represents photographs taken by a photographer. However, it is well known to a person with ordinary skill in the art that the online auction sellers are known to provide the digital image of the items they want to sell (For example, a seller scans a photograph, or, uses a digital camera (readily available at the time of applicant's invention) to create a digital image of the item.) to be viewed by potential purchasers; to decrease potential purchaser's item enquiry calls; and also to save on cost of getting the picture taken by a professional photographer and increase profit margin.

Regarding claims 7 – 9, 22 – 23, 25 – 27 and 42 – 45, neither Hess et al. nor Holub disclose delivering a series of web pages to guide clients through a color profiling process, neither do they disclose to transmit information to network server for modification of color images. However, EddieBauer discloses to deliver series of web pages to guide clients through a color profiling process, allows customers to select from the available colors on the display to view the product in that color, and, displays the product on customers display in the selected color. Even though EddieBauer does not disclose their server to include color server, it is inherent that EddieBauer has a system to modify and display the image in the color requested by the user. Therefore, it is obvious at the time of applicant's invention to a person with ordinary skill in the art to modify Hess et al. and Holub to deliver series of web pages to guide clients through a color profiling process to generate additional revenue by expanding their user base by offering their system to other businesses (for example online apparel companies).

Regarding claims 10, 27 and 45 – 46, Hess et al. discloses to communicate information between clients and servers. Web servers are coupled to the Internet and respond to document requests and/or other queries from Web clients. When a user selects a document by submitting its Uniform Resource Locator (URL), a Web browser, such as Netscape Navigator or Internet Explorer, opens a connection to a server and initiates a request (e.g., an HTTP get) for the document.

Regarding claims 11 – 13, 29 – 30, 32 – 33, and 47 – 48, Hess et al. discloses that the user-supplied information includes descriptions of items for sale and locations from which images that are to be associated with the items can be retrieved. Hess et al. may periodically reload images and update thumbnails associated with items that are not new to accommodate subsequent user modification. For example, a user may change the originally specified image or provide a new URL to be associated with an item for sale. However, neither Hess et al. nor Holub disclose calculating fee for each modified image. It is notoriously known that sellers can subscribe for Photo Hosting Service from Web space providers like Pongo, Twaze, PixHost etc. who can charge fee to their subscribers according to the agreed upon terms. Therefore, it is known at the time of applicant's invention to a person with ordinary skill in the art to modify Hess et al. and Hayes and implement a Photo Hosting Service to increase revenue by charging fees for additional services, and also to minimize dependency on outside content providers and make their system more reliable.

Regarding claims 14 – 15, 31, 34 and 49 – 50, Hess et al. discloses information presentation and management in an online trading environment, such as an online shopping site, an online auctioning site, an online e-commerce site, an online person-to-person trading site, or the like. It is inherent that in an auctioning environment, clients

are auction sellers, the images represent auction items, and the destination clients are auction buyers.

Neither Hess et al. nor Holub disclose calculating a fee for each modified image, and charging the fee to one or both of the source and destination clients involved in an auction sale. However, it is notoriously known that users can subscribe for Photo Hosting Service from Web space providers like Pongo, Twaze, PixHost etc. who can charge fee to their subscribers according to the agreed upon terms. Therefore, it is known at the time of applicant's invention to a person with ordinary skill in the art to modify Hess et al. and Hayes and implement a Photo Hosting Service to increase revenue by charging fees for additional services, and also to minimize dependency on outside content providers and make their system more reliable.

Regarding claim 24, Hess et al. does not disclose performing estimation for each of the display devices. Holub discloses a system (method and apparatus) for distributing and controlling color reproduction of input color image data representing one or more pages or page constituents in a network having nodes (or sites). The rendering device of each node renders a color reproduction of the page constituents responsive to the output color image data, wherein colors displayed in the reproduction at the rendering device of each node appear substantially the same within the output colors attainable by the rendering devices. It is inherent that Holub has a system and method for controlling color reproduction. Therefore, it is obvious at the time of applicant's invention to a

person with ordinary skill in the art to modify Hess et. Al as taught by Holub to modify images for display devices associated with the source clients images, to present the images for remote users as close as possible to the original and minimize customer complaints.

Regarding claim 35, Hess et al. discloses a data storage device such as a magnetic disk or optical disc and its corresponding drive may also be coupled to computer system for storing information and instructions, and, a communication device for accessing remote servers via the Internet, for example. The communication device may include a modem, a network interface card, or other commercially available network interface devices, such as those used for coupling to an Ethernet, token ring, or other type of network.

Conclusion

1. Hess et al., U.S. Patent 6,058,417 discloses Information Presentation And Management In An Online Trading Environment.
2. Holub, U.S. Patent 6,157,735 discloses System For Distributing Controlling Color Reproduction At Multiple Sites.
3. Samples of online user interface from EddieBauer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is 703.305.3372. The examiner can normally be reached on M-F 7:30 - 5:00 (Alt Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703.308.1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703.746.7239 for regular communications and 703.746.7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.305.3900.

May 2, 2002


WYNN COGGINS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100